IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17218 of 2004

Between:
N.Saraswathi W/o.Rajarao
R/o.Thimmapuram Village, Ravvaram Post, Nuzendla Mandal,
Guntur District.

..... PETITIONER

AND

1 The Joint Collector (Civil Supplies) Guntur District.
2 The Revenue Divisional Officer, Narasaraopet, Guntur District.
3 The Mandal Revenue Officer Nuzendla Mandal, Guntur District.
4 K.Ramanamma W/o.Ramana Reddy
Kothareddi Palem Village, Ravvaram Post, Nuzendla Mandal,
Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in not passing orders in interlocutory application filed seeking stay of impugned proceedings in R.C.No.1471/2004-B, dated 10-9-2004 passed by 2nd respondent and in not disposing the appeal at an early date, as illegal, arbitrary and contrary to provisions of A.P.S.P.D.S order, 2001/APSC (RDCS) order 1973 and direct the 1st respondent to dispose of the appeal expeditiously and petition to stay.

Counsel for the Petitioner: MR.V.VENUGOPALA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: MR.M.KOTESWARA RAO

The Court at the admission stage made the following:

ORDER:

Petitioner is the authorised dealer of the Fair Price Shop of Thimmapuram village, Ravvaram Post, Nuzendla Mandal, Guntur District. The authorisation of the petitioner has been suspended by the Revenue Divisional Officer, Narasaraopet, Guntur District, by proceedings dated 10.09.2004, pending enquiry into the alleged irregularities in the distribution of essential commodities, which is under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents 1 to 3 and also the learned counsel appearing for the respondent No.4.

Against the impugned order an alternative remedy is available under the statute by way of appeal to the Joint Collector. Admittedly, the petitioner has already preferred an appeal and the same is pending before the Joint Collector, Guntur District-first respondent. In the circumstances, though the learned counsel for the petitioner raised various grounds assailing the correctness of the allegations made in the impugned

order, I am not inclined to express any opinion since the statutory appeal is pending. However, having regard to the facts and circumstances of the case and in view of the plea of the petitioner that the first respondent has not considered her appeal and no orders have been passed even on her application for stay so far, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application for stay in the appeal filed by the petitioner against the order of the second respondent dated 10.09.2004 as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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24.09.2004

Note: Furnish CC by tomorrow

(b/o)

VGB

To

1 The Joint Collector (Civil Supplies) Guntur District.
2 The Revenue Divisional Officer, Narasaraopet, Guntur District.
3 The Mandal Revenue Officer Nuzendla Mandal, Guntur District.
4 2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)
5 2CD copies